

Message Text

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ORIGIN OES-09

INFO OCT-01 EA-10 ISO-00 L-03 DOE-15 SOE-02 SSO-00
CIAE-00 DODE-00 NSAE-00 NSCE-00 ICAE-00 INRE-00
AID-05 CEA-01 COME-00 EB-08 H-01 INR-10 INT-05
OMB-01 PM-05 SP-02 SS-15 STR-07 TRSE-00 ACDA-12
/112 R

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DOE - MS. IZELL
DOE - MR. SLAWSON
EA/ANP - MR. TWINING

-----008363 292029Z /75

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FM SECSTATE WASHDC
TO AMEMBASSY CANBERRA IMMEDIATE
INFO AMEMBASSY TOKYO

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E.O. 11652: N/A

TAGS: TECH, ENRG, MNUC, PARM, JA, AU

SUBJECT: PARLIAMENTARY QUESTION ON RETRANSFER PROVISIONS
IN U;S-JAPAN AGREEMENTS

REF: CANBERRA 6811

1. INFORMATION BELOW IS PROVIDED IN RESPONSE TO QUESTIONS
REFTEL.

2. ARTICLE X(A)(3) OF THE US-JAPAN AGREEMENT FOR COOPERA-
TION PROVIDES THAT NO MATERIAL, INCLUDING EQUIPMENT AND
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DEVICES, TRANSFERRED TO JAPAN PURSUANT TO THE AGREEMENT OR
THE SUPERSEDED AGREEMENT WILL BE TRANSFERRED TO UNAUTHOR-
IZED PERSONS OR BEYOND THE JURISDICTION OF THE GOVERNMENT
OF JAPAN, EXCEPT AS THE UNITED STATES MAY AGREE TO SUCH A
TRANSFER TO ANOTHER NATION OR INTERNATIONAL ORGANIZATION,
AND THEN ONLY IF, IN THE OPINION OF THE UNITED STATES,
THE TRANSFER OF THE MATERIAL IS WITHIN THE SCOPE OF AN

AGREEMENT FOR COOPERATION BETWEEN THE UNITED STATES AND OTHER NATION OR INTERNATIONAL ORGANIZATION. THIS CONSENT RIGHT APPLIES TO ALL US MATERIAL SUPPLIED UNDER THE AGREEMENT, INCLUDING THAT CONTAINED IN SPENT FUEL.

3. ARTICLE VIII(C) OF THE US-JAPAN AGREEMENT PROVIDES THAT WHEN ANY SPECIAL NUCLEAR MATERIAL RECEIVED FROM THE US REQUIRES REPROCESSING, OR ANY IRRADIATED FUEL ELEMENTS CONTAINING FUEL MATERIAL RECEIVED FROM THE UNITED STATES ARE TO BE REMOVED FROM A REACTOR AND ARE TO BE ALTERED IN FORM OR CONTENT, SUCH REPROCESSING OR ALTERATION MAY BE PERFORMED IN JAPANESE FACILITIES UPON A JOINT DETERMINATION OF THE PARTIES THAT THE SAFEGUARDS PROVISIONS MAY BE EFFECTIVELY APPLIED, OR IN SUCH OTHER FACILITIES AS MAY BE MUTUALLY AGREED. SINCE A JOINT DETERMINATION CANNOT BE MADE WITHOUT THE US CONSENT, THIS GIVES THE US A CONSENT RIGHT FOR REPROCESSING IN JAPAN OR ELSEWHERE.

4. ARTICLE VIII(E) OF THE AGREEMENT PROVIDES THAT SPECIAL NUCLEAR MATERIAL PRODUCED THROUGH THE USE OF MATERIAL TRANSFERRED TO JAPAN PURSUANT TO THE AGREEMENT OR THE SUPERSEDED AGREEMENT MAY BE TRANSFERRED TO ANY OTHER NATION OR INTERNATIONAL ORGANIZATION PROVIDED THAT SUCH NATION OR INTERNATIONAL ORGANIZATION HAS AN APPROPRIATE AGREEMENT FOR COOPERATION WITH THE UNITED STATES OR GUARANTEES THE USE OF SUCH SPECIAL NUCLEAR MATERIAL FOR LIMITED OFFICIAL USE

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PEACEFUL PURPOSES UNDER SAFEGUARDS ACCEPTABLE TO THE PARTIES. SINCE THE US WOULD HAVE TO DETERMINE WHETHER AN AGREEMENT WAS "APPROPRIATE", THIS GIVES THE US A CONSENT RIGHT.

5. CURRENT US POLICY CALLS FOR CONSIDERATION OF SUCH RETRANSFERS OR REPROCESSING REQUESTS ON A CASE-BY-CASE BASIS.

6. FYI. WHILE THE FIRST QUESTION REFTEL REFERS TO US APPROVAL FOR RETRANSFER "OF SPENT FUEL FROM AMERICAN URANIUM", IT SHOULD BE CLEAR THAT THIS CONSENT RIGHT COVERS MATERIAL SUPPLIED BY THE US UNDER THE AGREEMENT (FOR EXAMPLE, URANIUM ENRICHED IN THE US REGARDLESS OF ITS ORIGIN). END FYI. CHRISTOPHER

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Draft Date: 29 aug 1978
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ISecure: 1
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